Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the matter of	)	
	)	
Amendment of Part 90 of the	)	
Commission's Rules to Facilitate	)	**PR Docket No. 93-144**
Future Development of SMR	)	**RM 8117, RM-8030**
Systems in the 800 MHz	)	**RM-8029**
Frequency Band	)	
and		
Implementation of Section	)	
309(j) of the Communications	)	**PP Docket No. 93-253**
Act- Competitive Bidding	)	
800 MHz SMR	)	

COMMENTS OF MORRIS COMMUNICATIONS, INC.

Morris Communications, Inc. ("Morris"), pursuant to the provisions of Section 1.415 of the Rules and Regulations of the Federal Communications Commission ("FCC" or "Commission"), hereby submits its Comments in response to the Further Notice of Proposed Rule Making in the above referenced proceeding[1] in which the FCC plans to implement a new framework for licensing Specialized Mobile Radio ("SMR") systems in the 800 MHz band.

I. INTRODUCTION

Morris has been a provider of SMR service since 1980, covering the areas of Charlotte, North Carolina, and Spartanburg, Greenville, Seneca, Anderson, Greenwood, Columbia, Myrtle Beach, and Georgetown, South Carolina. Morris's SMR system has approximately 70 channels

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[1] Further Notice of Proposed Rule Making ("Further Notice"), FCC Docket No. 93-144, Released November 4, 1994 (FCC 94-271). The deadline for the submission of Comments and Reply Comments in this proceeding was extended to January 5, and January 20, respectively. See, Order, P.R. Docket No. 93-144, DA 94-1326 (released November 28, 1994).

serving approximately 4,000 units. Because Morris will be significantly affected by the FCC's proposals, it is pleased to have this opportunity to submit the following comments.

II. COMMENTS

A. Channel Assignment and Service Areas

The Commission proposes to divide the upper 10 MHz of 800 MHz SMR spectrum into four blocks of 2.5 MHz each, corresponding to 50 channels per block. Morris agrees with the Commission's proposal. Morris is opposed, however, to one bidder obtaining all four blocks. One licensee should have no more than two 2.5 MHz blocks so as to prevent "warehousing" of spectrum. Allowing one licensee to have more than two blocks would lead to slow build-out by large companies, resulting in an inefficient use of spectrum and slow delivery of new services to the public.

B. Rights and Obligations of MTA Licensees

1. Treatment of Incumbent Systems

Morris agrees with the Commission's conclusion that incumbent SMR systems should not be subject to mandatory relocation to new frequencies. Relocation should only occur on the terms and conditions mutually agreeable to the incumbent and MTA licensees. There is no adequate policy basis for mandatory relocation. While in other instances[2] the Commission has imposed mandatory relocation on existing licensees, those actions were undertaken to create a new service. In this instance, wide area SMR systems already exist. It is unnecessary to expend the significant social and financial resources of spectrum relocation in order to offer a new service, particularly because the proponents of mandatory migration can achieve on a voluntary

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[2] See e.g., Memorandum Opinion and Order, ET Docket No. 92-9, 9 FCC Rcd. 1943 (1994).

basis many of the same goals they seek without disrupting existing services. It is patently unfair and against the public interest to require disruption to services in existence without justification.

Because the Commission recommends against mandatory relocation, it must address the ability of incumbent licensees to relocate existing systems. Morris generally suggests that incumbent licensees be permitted to relocate their facilities at least within their 22 dBu coverage contour. To restrict licensees to their existing facilities would make them hostages to site owners. While Morris recommends a 40/22 dBu co-channel separation standard in general, that separation could be reduced in favor of a local licensee within the coverage area of an MTA system, unless the MTA licensee had already constructed co-channel facilities at a particular site. The MTA licensee, like any other co-channel licensee, would be required to observe the 40/22 dBu co-channel separation requirement as it applied to the local licensee.

2. Co-Channel Interference Protection

MTA licensees should not be able to construct facilities within the 22 dBu contour of incumbent co-channel licensees. Likewise, local licensees should be prohibited from locating their sites within the 22 dBu contour of other local licensees. However, incumbent licensees should be able to move within their 22 dBu service area, if not otherwise blocked by another local licensee or a constructed MTA channel. This will protect local licensees from being blocked in by the MTA licensee. It is unlikely that there would similarly be local licensees on all sides of an incumbent licensee, otherwise preventing a move.

C. Construction Requirements

The Commission seeks comment on whether strict enforcement of a one year construction period will be an adequate protection against spectrum warehousing on frequencies

occupied by local SMR systems. Morris agrees that the Commission should strictly enforce the one year construction deadline, as well as the requirement for licensees to begin serving customers by the end of their construction period. The MTA licensee should also be held to strict construction requirements. Morris agrees with the Commission's proposal to impose license forfeiture on MTA licensees that fail to comply with construction requirements.

D. SMRs on General Category Channels & Inter-Category Sharing

The Commission should designate all 230 channels (the 80 lower SMR channels as well as the 150 General Category) for SMR use. These channels have been available for many years. The SMR service is plainly expanding to meet the needs of many entities, as the Commission envisioned when it created the service. Without access to all 230 non-MTA channels, local licensees will be foreclosed from either offering service in the first place, or expanding their systems.

Similarly, the Commission should not necessarily foreclose local SMR licensees from using Business and Industrial/Land Transportation Pool channels to expand operating systems. These operating systems are serving customers that might otherwise employ the Pool channels. To the extent that the Pool channels remain unused, it is logical that local SMR licensees be permitted to access the spectrum, to provide the communications services to the very entities for whom the channels were originally designated.

E. Competitive Bidding Issues

Morris proposes the use of multiple round auctions for local area and MTA licenses, limited to five rounds. Morris supports a bidding credit for minority and female controlled entities and a reduction in their up-front payments. Small businesses, as defined by the Internal

Revenue Service, should also have reduced up-front payments. Rural telephone companies should be treated as regular applicants, unless the small business definition applies.

III. CONCLUSIONS

All General Category and the "lower 80" SMR channels should be designated for SMR use. The rules governing these channels should remain as they are today. The establishment of rights for MTA based licensees should not come at the expense of incumbent SMR licensees.

WHEREFORE, THE PREMISES CONSIDERED, Morris Communications, Inc. hereby submits its Comments in the foregoing proceeding and urges the FCC to act in a fashion consistent with the views expressed herein.

Respectfully submitted,

MORRIS COMMUNICATIONS, INC.

By: _____

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Dated: January 4, 1995

I verify under penalty of perjury that the foregoing is true and correct. Executed on January 4, 1995.

By: _____